



California Regional Water Quality Control Board

Los Angeles Region



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Agency Secretary

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Arnold Schwarzenegger
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Meeting Minutes

Los Angeles Regional Water Quality Control Board
November 9, 2006 Regular Board Meeting
The Metropolitan Water District of Southern California
700 North Alameda Street, Los Angeles, California

Item 1. Roll Call

The meeting was called to order by Chair David Nahai at 9:25 a.m.

Board Members Present: Chair H. David Nahai, Vice Chair Fran Diamond, Susan Cloke, Bonny Herman, Maribel Marin, Leo Vander Lans, and Mary Ann Lutz

Board Members Absent: Brad Mindlin, Dick Richardson

Staff Present: Jonathan Bishop, Deborah Smith, Ronji Harris, David Bacharowski, Alex Carlos, Michael Levy, Jennifer Fordyce, David Hung, Renee DeShazo, Deborah Neiter, Samuel Unger, Rosario Aston, Ejigu Solomon, Hugh Marley, Ivar Ridgeway, Blythe Ponck-Bacharowski, Michael Lyons, Dan Radelescu

Individuals whose Names Appear on the Sign-In Sheet

Ms.Kirsten James, Heal the Bay	Mr. David Lin, Tetra Tech
Ms. Laura Blank, L.A. County Farm Bureau	Mr. Albert Yuen, Tetra Tech
Mr. Paulinz Sun, Tetra Tech	Ms. Robyn Stuber, USEPA
Mr. Matt Bequette, City of Los Angeles	Mr. Jevon Lien, City of Los Angeles
Ms. Ann Heil, L.A. County Sanitation District	Mr. Richard Hajas, Camrosa Water District
Ms. Sarah Abramson, Heal the Bay	Dr. Mark Gold, Heal the Bay
Mr. Clayton Yoshida, L.A. Department of Water and Power	Mr. Gus Deinbegiotes, City of Los Angeles Bureau of Sanitation

Item 2. Order of Agenda.

Item 3, October 24, 2006 draft meeting Minutes, and Item 16, City of Santa Paula Wastewater Recycling facility is being continued.

MOTION: To approve the order of agenda.

First: Board member Mary Ann Lutz

Second: Vice Chair Fran Diamond

Vote: Approved by unanimous vote.

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Item 4. Board Member Communications.

Board Chair David Nahai received a phone call from a gentleman by the name of Mr. Sheldon Sloan regarding an Administrative Civil Liability matter involving the Los Angeles County Sanitation District, however the message was left on the message phone, and the call was returned by Chair Nahai leaving a message indicating that Mr. Nahai is prohibited from discussing the matter pursuant to legal advice from the State Board Office of Chief Counsel.

Board Members Fran Diamond, Susan Cloke, Leo Vander Lans, and Mary Ann Lutz attended the Water Quality Coordinating Committee meeting (WQCC) at State Board, and there was much discussion about a variety of issues and what is being proposed and done by the Boards to resolve these issues.

Item 5. Executive Officers Report

Report given by Jonathan Bishop, Executive Officer, and posted on the Board's website:
www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html .

Item 5.a. Report from State Board.

Mr. Jerry Secundy, State Board informed the Board that Director Celeste Cantu is resigning from State Board, and also that his last day with State Board will be December 17, 2006. Mr. Secundy also talked about the recent discussion and proposal to restructure the Boards.

Item 6. Public Forum.

Speakers:

Mr. Steve Dahlberg, The Kissel Company/Paradise Cove

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 8, 9, 10, 11, 12, and 13

First: Board Member Mary Ann Lutz

Second: Board Member Bonny Herman

Vote: Approved by unanimous vote.

Item 14. City of Burbank Water Reclamation Plant.

Ms. Ronji Harris read the Opening statement and the Oath was rendered by Chair David Nahai. (This matter was held as an adjudicative proceeding).

Staff Report.

Ms. Blythe Ponek-Bacharowski, Municipal Permitting Unit Chief

- Gave background and historical information
- Discussed the existing MUN beneficial uses of ground water and existing GWR beneficial use of surface waters



- Indicated that the discharger is required to participate in the Los Angeles River Enhancement and Management Plan Steering Committee to develop a watershed-wide monitoring program
- POTWs are not exempt from daily maximum limits
- Daily limits are supported by USEPA
- Mass-based limits are required under CFR
- MCL-based limits are necessary because there is reasonable potential
- TMDL-based limits were properly calculated and will not be deleted
- Spill and sanitary sewer overflow requirements are more explicit than the State Board's General WDR

Public Comment:

Mr. Rodney Andersen, Representing City of Burbank

- Since 1988 have had significant electrical upgrades
- Have completed WER studies for ammonia and copper
- Currently participating in a Groundwater Nutrient Loading Study
- The City believes that the present data shows no threat to groundwater, and therefore the City does not agree with the effluent limits

Speaker cards:

Ms. Robyn Stuber, USEPA (In support of staff recommendation)

Ms. Ann Heil, Los Angeles County Sanitation District (opposed)

Mr. Gus Dembegiotes, City of L.A Bureau of Sanitation (opposed)

Mr. Bryan Brock, State Water Resources Control Board

Dr. Mark Gold, Heal the Bay

Cross Examination:

By Melissa Thorne, Counsel Representing City of Burbank

- Ms. Blythe Ponek-Bacharowski

Senior Board Counsel Michael Levy waived no cross examination

Rebuttal Testimony:

Ms. Veronica Cuevas, Board Staff

Ms. Blythe Ponek-Bacharowski, Municipal Permitting Unit Chief

Board question/discussion/concerns:

- Interested in Board staff's input on the ground water threat issues
- Asked staff for clarification that Cadmium does exist at the site?
- If cadmium is delisted, what will the discharger do in the mean time?
- Other questions and concerns in regards to cadmium were stated
- Are there limits in the permit for other exceedances
- Asked for clarification for the toxicity exceedances for the past two years?



**There was much discussion between the Board, Legal Counsel and the Executive Officer on legal issues, waste load allocations in the permit, and reasonable potential analysis.*

MOTION: To adopt staff recommendation with amendment to page 14-214 in section 12C, that would change the word “may” to “shall”. In addition, staff is directed to look at public notification.

First: Chair David Nahai

Second: Board Member Susan Cloke

Vote: Approved by unanimous vote

Item 15 Consideration of Complaint No R4-2006-0023 for Administrative Civil Liability against Valdry's Auto Dismantling.

Board Member Leo Vander Lans gave a recommendation to the full Board and a vote was made by the full Board.

MOTION: To affirm the penalty against Valdry's, and directing Valdry's to pay \$5,870 within a one month period. Valdry's is directed to come into compliance within one year. If Valdry's is in compliance in one year, the remaining \$40,000 is removed from the penalty.

First: Board Member Leo Vander Lans

Second: Chair David Nahai

Vote: Approved by unanimous vote

Item 17 Basin Plan Amendment to incorporate Water Effect Ratios (WERs) for Copper in Calleguas Creek and Mugu Lagoon.

Staff Report.

Ms. Renee DeShazo, Basin Plan Coordinator

- A WER is a multiplier to the metals aquatic life criteria in the California Toxics Rule (CTR)
- WER project emerged from the TMDL
- Discussed the scope of today's action with respect to CTR is to establish a water quality criteria
- The TMDL did include provisions to use WERs in calculating the numeric targets and the waste load allocations
- Talked about the authorities which allow the development of WERs
- The study had two stages of guidelines of peer review
- Talked about the comment received from interested parties
- USEPA guidelines for WERs followed

Ms. Deborah Neiter, Environmental Specialist Regional Board Staff, gave an overview of the Water Effect Ratios Study, conducted by Larry Walker Associates.

Public Comment.

Ms Robyn Stuber, USEPA (in support of staff recommendation) recommends that WERs be valued periodically



Dr. Mark Gold, Heal the Bay (in support)
Mr. Rex Laird, Ventura County Farm Bureau (in support)
Mr. Richard Hajas, Camrosa Water District (in support)
Ms. Ashli Desai, Larry Walker Associates (in support)

Board questions, discussion, and concerns:

- Made clarification that the WERs do not pose a precedent

MOTION: To approve the staff recommendation, with direction to staff to bring back a WER Policy to clarify how we should go forward with future WERs.

First: Chair David Nahai

Second: Board Member Mary Ann Lutz

Vote: Approved by a voice vote

Opposed: Board Member Susan Cloke voiced a “no” vote, and was not in support of the motion to approve.

Item 19. Update regarding the accomplishments and issues of the Los Angeles Region Conditional AG Waiver for Irrigated Lands.

Staff Report.

Ms. Rebecca Nasciemento

- *The Regions are developing its own technology. The Ag Waiver has successfully developed good relationships with growers.*

Public Comment.

Mr. Rex Laird, Ventura County Lands Group indicated that there are high levels of participation, and that there are presently 96 individuals who are interested in joining the group.

Mr. Brian Louie, Santa Clara Valley Sanitation District voiced concerns about lack of ground water monitoring in this program, and the City of Santa Clara believes ground water quality is gradually being degraded by agricultural runoff.

Executive Officer Jonathan Bishop clarified that the Board does not dispute that there is possible runoff to ground water.

Mr. Samuel Unger, Regional Program Section Chief, indicated that the focus at this time is on surface water, and later they will look at the potential to ground water degradation.

The meeting was adjourned at approximately 4:50 p.m. Minutes adopted at the December 14, 2006 Board meeting.

Written and submitted by: _____

